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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/820,501

03/29/2001

Nizamudeen Ishmael JR.

AUS920010184US1

5095

7590

07/14/2004

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EXAMINER

NGUYEN, HAI V

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/820,501

Applicant(s)

ISHMAEL ET AL.

Examiner

Hai V. Nguyen

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the application filed on 29 March 2001.
2. Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gossler et al. U.S. patent no. **5,799,173** in view of **Ezerzer et al.** U.S. patent no.

6,697,858 B1.

5. As to claim 1, Gossler, Dynamic Workload Balancing, discloses a system for updating a display interface associated with a workload balancing system for distributing data processing transactions into a plurality of messages and for dynamically allocating each of the messages to different computer systems for performance comprising:

means for requesting the performance of a data processing transaction (*Gossler, col. 2, lines 50-67*); However, Gossler does not explicitly disclose server computer for distributing the transaction into a plurality of messages and allocating the messages to different computer systems. Thus, the artisan would have been motivated to look into the related networking arts for potential methods and apparatus for implementing server computer for distributing the transaction into a plurality of messages and allocating the messages to different computer systems.

In the same field of endeavor, Ezerzer, related Call Center, discloses (e.g. network resource utilization) that *the call center's processes are distributed, running on several hosts of the call center's network. To optimize the use of hardware and network devices, the resources can be divided into dedicated and shared resources. Sharing of servers, other hardware, and processes achieves optimal economics of scale in the network (Ezerzer, col. 3, lines 36-41).*

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Ezerzer's teachings of distributing service/transaction request into the sharing servers (Ezerzer, Abstract, col. 2, line 45 – col. 3, line 67) with the teachings of Gossler, for the *purpose of achieving redundancy and fault-tolerance across the network, with self-healing properties and soft recovery without major disruptions to the call center (Ezerzer, col. 2, lines 61-67) and proving a transaction system with a high performance and utilization of the system resources and a low system overhead (Gossler, col. 2, lines 24-26).*

Gossler-Ezerzer discloses display interface (Ezerzer, *Mail manager, Network Manager*) for displaying the allocated messages and associated computer systems, wherein the display interface is operatively associated with the server computer (Ezerzer, col. 18, line 39 – col. 19, line 14); and

Gossler-Ezerzer discloses means for (Ezerzer, *Interactive manager*) communicating allocation history for each allocated message to the display interface (Ezerzer, col. 19, lines 15-35).

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6. As to claim 2, Gossler-Ezerzer discloses a server queue (*Ezerzer, Stat sever*) for storing the plurality of messages from the distributed transaction (*Ezerzer, col. 20, lines 25-42*).

7. As to claim 3, Gossler-Ezerzer discloses, wherein each of the different computer systems (*Ezerzer, servers*) has an associated queue for storing messages allocated to each respective computer system (*Ezerzer, col. 18, line 30 – col. 22, lines 31*).

8. As to claim 4, Gossler-Ezerzer discloses, wherein at least one of the different computer systems has means for reallocating to other computer systems, messages initially allocated to the one computer system (*Ezerzer, col. 2, lines 19-34; col. 18, line 30 – col. 22, lines 31*).

9. As to claim 5, Gossler-Ezerzer discloses a means for sending a tracking message to the display interface each time a message is reallocated (*Ezerzer, col. 26, lines 15-17*).

10. Claim 6 is corresponding method claim of claim 1; therefore, it is rejected under the same rationale as in claim 1.

11. Claims 7-9 are similar limitations of claims 2-4; therefore, they are rejected under the same rationale as in claims 2-4.

12. As to claim 10, Gossler-Ezerzer discloses displaying the reallocated messages and computer systems to which the messages are reallocated (*Ezerzer, col. 2, lines 19-34; col. 18, line 30 – col. 22, lines 31; col. 26, lines 15-17*).

13. Claim 11 is similar limitation of claim 5; therefore, it is rejected under the same rationale as in claim 5.

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14. Claim 12 is corresponding computer readable medium claim of claim 1; therefore, it is rejected under the same rationale as in claim 1.

15. Claims 13-15 are similar limitations of claims 2-4; therefore, they are rejected under the same rationale as in claims 2-4.

16. Claim 16 is similar limitation of claim 10; therefore, it is rejected under the same rationale as in claim 10.

17. Claim 17 is similar limitation of claim 5; therefore, it is rejected under the same rationale as in claim 5.

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18. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen
Examiner
Art Unit 2142



JACK B. HARVEY
SUPERVISORY PATENT EXAMINER